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MINNESOTA POLLUTION CONTROL AGENCY

1935 W. County Road B2, / Roseville, Minnesota 55113



(612)296-7221
APR 11 1975

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Chris Cherches, City Manager
City of St. Louis Park
5005 Minnetonka Boulevard
St. Louis Park, Minnesota 55416

Re: NPDES Permit No: MN 0045489
City of St. Louis Park
Storm Sewer Improvement Project
St. Louis Park, Minnesota

Dear Mr. Cherches:

Enclosed is a copy of the final National Pollutant Discharge Elimination System (NPDES) Permit covering your facilities at the above-referenced location. This permit has been drafted pursuant to the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq), Minnesota Statutes, Chapters 115 and 116 as amended and Minnesota Pollution Control Agency Regulation WPC 36. All comments submitted in writing during the public notice comment period, pursuant to WPC 36, Section (h) (4), and the hearing record, where a hearing was held, pursuant to WPC 36, Section (k), have been considered in the formulation of final determinations and recommendations on the NPDES Permit.

Pursuant to WPC 36, Section (o) (2), the referenced permit was approved by the Minnesota Pollution Control Agency at the Agency's meeting held on March 18, 1975. Your attention is especially directed to the monitoring and reporting requirements in Part I. A. 1, Page 5 of 17.

If you have any questions regarding this permit, please contact Robert G. Criswell at (612)296-7232.

Yours very truly,

Louis J. Breimhurst, P.E.
Chief, Permits Section
Division of Water Quality

Enclosure

cc: Permits, EPA, Chicago
EPA, Minneapolis

4600499

AN EQUAL OPPORTUNITY EMPLOYER

Permit No: MN 0045489

Application No: MN 0045489

**AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM AND STATE DISPOSAL SYSTEM PERMIT PROGRAM**

In compliance with the provisions of the Federal Water Pollution Control Act, as amended, (33 U.S.C. 1251 et seq; hereinafter the "Act"), Minnesota Statutes Chapters 115 and 116 as amended and Minnesota Pollution Control Agency Regulation WPC 36 (hereinafter Agency Regulation WPC 36)

CITY OF ST. LOUIS PARK

is authorized by the Minnesota Pollution Control Agency, to discharge from City Development Project including land farming and storm sewer projects located as shown on Pages 3 and 4 of 16.

to receiving water named the Minnehaha Creek.

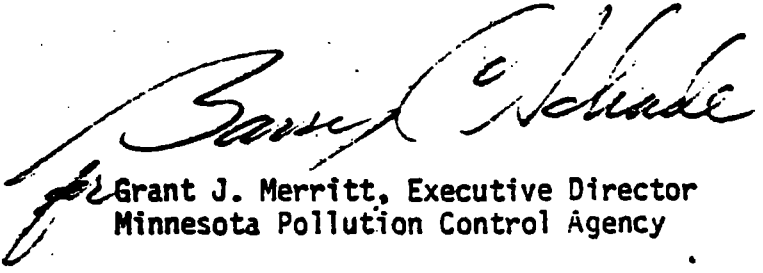
in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I and II, hereof.

The permit shall become effective on the date of issuance by the Director pending final approval by the Agency. The Permittee shall be notified of the final decision of the Agency regarding this permit.

This permit and the authorization to discharge shall expire at midnight, December 31, 1979. The Permittee is not authorized to discharge after the above date of expiration. In order to receive authorization to discharge beyond the above date of expiration, the Permittee shall submit such information and forms as are required by the Agency no later than 180 days prior to the above date of expiration pursuant to Agency Regulation WPC 36.

Date

APR 11 1975


Grant J. Merritt, Executive Director
Minnesota Pollution Control Agency

4600500

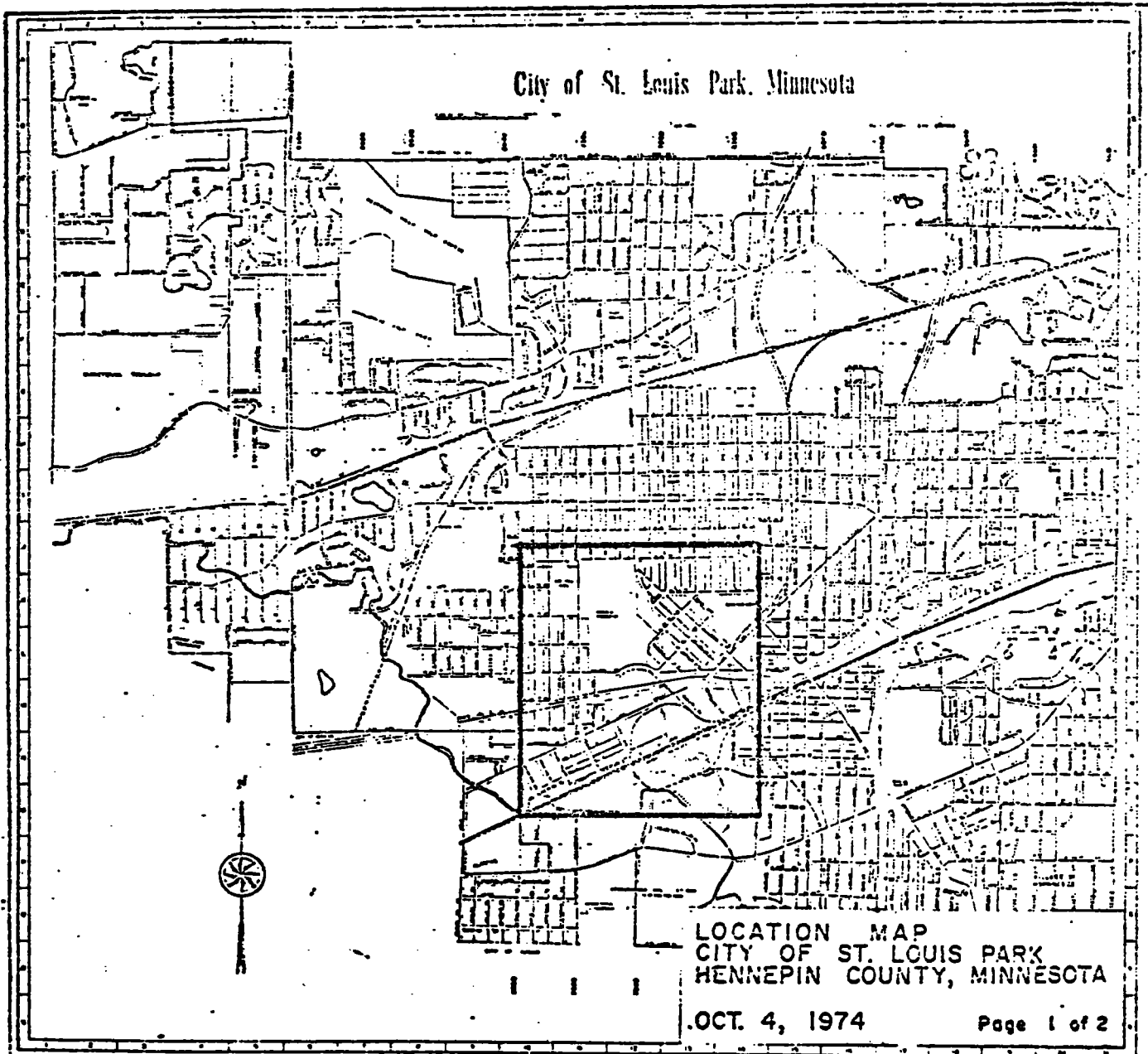
DESCRIPTION

In October, 1970, the Minnesota Pollution Control Agency and the City of St. Louis Park, jointly commenced an action against Reilly Tar and Chemical Company to abate pollution violations resulting from the operation of its creosote plant. As a settlement of that litigation between the City and Reilly Tar and Chemical Company, the City purchased from Reilly Tar and Chemical Company the property on which the plant was located, intending to dispose of the property for appropriate future redevelopment of the site. The prior creosote production and treatment operations on the site deposited wastes on the land containing coal tar distillates and/or related industrial chemicals which if mixed with storm water would contribute to degradation of surface waters of the state.

The City is installing a storm sewer in an area which includes the former premises of the creosote plant, and the storm sewer will discharge into Minnehaha Creek. Initially it is expected that the runoff water from the former plant site will pick up pollutants which, if not treated, will not comply with Agency Regulations WPC 2, WPC 14, and WPC 24 as presently adopted. With the passage of time it is expected that the runoff from the former site will progressively be cleared of pollutants picked up from the surface of the land.

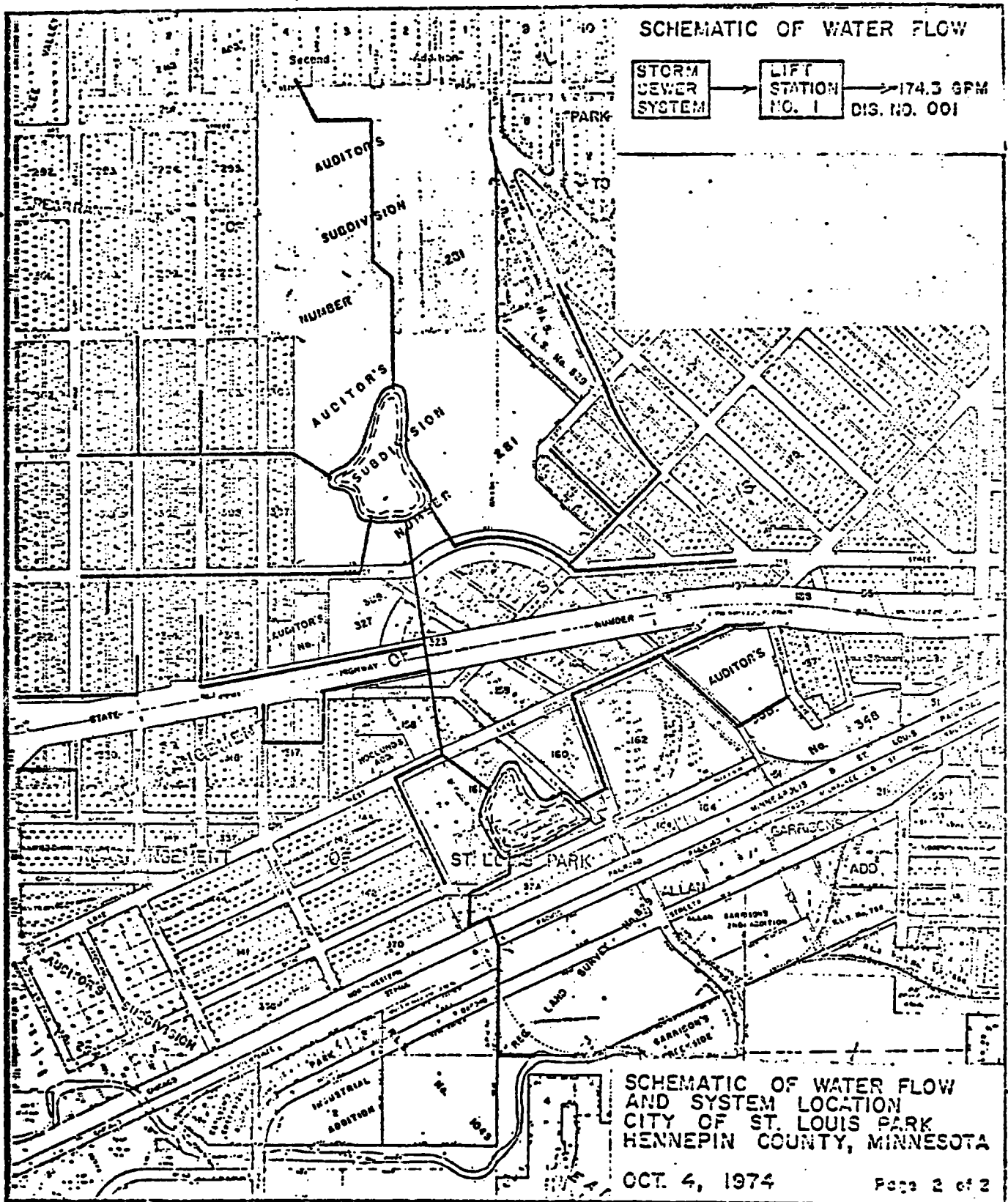
The City shall construct and place into operation a disposal system designed to treat all wastewater pollutants attributable to the soil contamination described above. The treated effluent will be discharged from the disposal system at an approximate rate of 173,900 gallons per day based on the average annual rainfall.

4600501



4600502

Permit No: MN 0045489



4600503

PART I

A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

- * 1. During the period beginning on the effective date of this permit and lasting until December 31, 1979 the Permittee is authorized to discharge from outfall serial number 001.

Such discharges shall be limited and monitored by the Permittee as specified below:

| EFFLUENT CHARACTERISTICS 0011 | DISCHARGE LIMITATIONS | | | MONITORING REQUIREMENTS | |
|---------------------------------------------------|-----------------------|---------------------|-----------|-------------------------|------------------|
| | Specify Units | | | | |
| | Monthly Avg. | Variable Daily Max. | Daily Max | Measurement Frequency | Sample Type |
| Flow-M ³ /Day (MGD) | - | - | - | Continuous | Daily Total Flow |
| Flow in Minnehaha Creek-M ³ /Day (MGD) | - | - | - | Continuous | Daily Total Flow |
| Oil and Grease | 10mg/l | 0.5 + B mg/l | 15mg/l | Daily | Grab |
| Phenols | - | 0.01 + B mg/l | 0.1mg/l | Daily | Grab |
| ✓Quinone | - | 0.04 + B mg/l | 0.4mg/l | Daily | Grab |
| Total Chlorine Residual | - | 0.01 + B mg/l | 0.2mg/l | Daily | Grab |
| Zinc | - | 0.12 + B mg/l | 1.0mg/l | Weekly | Grab |
| Cadmium | - | 0.03 + B mg/l | 0.2mg/l | Weekly | Grab |
| Copper | - | 0.01 + B mg/l | 0.5mg/l | Weekly | Grab |
| Nickel | - | 0.52 + B mg/l | 2.0mg/l | Weekly | Grab |
| Lead | - | 0.03 + B mg/l | 1.0mg/l | Weekly | Grab |
| Ammonia (as N) | - | 1.0 + B mg/l | 2.0mg/l | Weekly | Grab |
| Benzo-a-pyrene | - | - | 0.01mg/l | Monthly | Grab |
| Chrysene | - | - | 0.01mg/l | Monthly | Grab |
| BOD ₅ | - | - | - | Weekly | Grab |
| Total Suspended Solids | - | - | - | Weekly | Grab |
| Turbidity | - | - | - | Weekly | Grab |
| Fecal Coliform | - | - | - | Weekly | Grab |

The pH shall not be less than 6.5 nor greater than 8.5 and shall be monitored by daily grab sample.

These upper and lower limitations are not subject to averaging and shall be met at all times.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

The discharge shall not contain oil or other substances in amounts sufficient to create a visible color film on the surface of the receiving waters.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location: at a point representative of the discharge to the Minnehaha Creek.

*See Other Requirements Part I, B. 6. for computation of B value for the specified parameters. The Variable Daily Maximum shall be applicable as the maximum permissible effluent concentration except when the Daily Maximum value is more stringent.

In the event that adequate background monitoring is not done to determine a value for B as defined in Part I B. 6. of this permit then the B value shall be considered equal to zero.

In the event that the calculated value of B is less than zero then the value of B shall be considered to be equal to zero.

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B. OTHER REQUIREMENTS

1. Pretreatment

No pollutant shall be discharged from this facility to a publicly owned treatment works except in accordance with pretreatment standards established in accordance with the Act or Minnesota Statutes or any such local standards or requirements. No pollutant shall be discharged into any publicly owned disposal system which interferes with, passes through inadequately treated or otherwise is incompatible with such disposal system. The Permittee shall not make modifications to divert any discharge of pollutants authorized by this permit to a publicly owned treatment works without having first notified and received the approval of the Director.

2. The Permittee shall be responsible to provide treatment for all surface runoff water passing through the storm sewer system to bring the runoff water to the required standards. Plans for the treatment system shall be submitted to the Agency and are subject to its approval prior to commencement of the discharge.
3. This permit is neither a commitment to/or an approval of any subsequent development of this site and is without prejudice to the position of any party on the matter of responsibility for the cost of what ever ultimate work needs to be done to rehabilitate or eliminate any pollution associated to the soils and its ground waters.
4. The Permittee shall be responsible for the future removal or alteration of the storm sewer system as might be necessary as part of what ever work is needed to rehabilitate the underlying soil and its associated soils and ground waters.
5. The treatment facility described in this permit shall maintain best practicable operational capabilities at all times with the objective of maintaining the discharge levels for five day biochemical oxygen demand and total suspended solids at 25 mg/l and 30 mg/l, respectively, as a monthly average.

6. Flow Factor B

$$B = [F_U / 4F_E] [C_S - C_U]$$

Where: F_U = The daily total flow rate in Minnehaha Creek above the point of discharge

F_E = The daily total flow rate for the discharge

C_U = The background concentration for Minnehaha Creek for the specific effluent characteristics above the point of discharge. The method for determining the background levels for the specific parameters shall be done by sampling Minnehaha Creek above the point of discharge once every two weeks for a one year period prior to commencement of the discharge and averaging the samples.

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C_S = The water quality standard for a specific parameter. These are as follows:

| | |
|-------------------------|-----------|
| Oil and Grease | 0.5 mg/l |
| Phenols | 0.01 mg/l |
| Quinone | 0.04 mg/l |
| Total Chlorine Residual | 0.01 mg/l |
| Zinc | 0.12 mg/l |
| Cadmium | 0.03 mg/l |
| Copper | 0.01 mg/l |
| Nickel | 0.52 mg/l |
| Lead | 0.03 mg/l |
| Ammonia (as N) | 1.0 mg/l |

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C. MONITORING AND REPORTING

1. Representative Sampling

Samples shall be taken at a point representative of the discharge. Any monitoring measurements taken as required herein shall be representative of the volume and nature of the monitored discharge.

2. Monitoring Plan

The Permittee shall submit a plan for monitoring the discharge to Minnehaha Creek, for monitoring the subsurface soils in the area of the land farming operation, for monitoring the water quality of Minnehaha Creek above the discharge point and for monitoring the storm water within forty five (45) days after the date of issuance of this permit for approval and thereafter submit a written report to the Director each month in compliance with such plan. The monitoring plan shall include the items described in Agency Regulation WPC 36 (n) (2).

Monitoring of the subsurface soils shall include those parameters required of the discharge in Part I. A. 1. of this permit.

Monitoring of the water quality of Minnehaha Creek shall include all parameters where the Permittee intends to utilize the Flow Factor B described in Part I. B. 6. in determining the maximum effluent concentration for the specific parameter.

The extent to which monitoring of the storm water prior to entering the contaminated area shall be done shall be agreed upon after a review of the monitoring plan.

3. Reporting

Monitoring results obtained during the previous month shall be summarized and reported on the designated "Discharge Monitoring Report Form", and received or postmarked no later than the 21st day of the month following the completed reporting period. The first report is due on May 21, 1975. Signed copies of these, and all other reports required herein, shall be submitted to the Director at the following address:

Director
Minnesota Pollution Control Agency
1935 West County Road B2
Roseville, Minnesota 55113
Attn: Compliance and Enforcement Section

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4. Reduction or Elimination of Monitoring Requirements

If the Permittee after monitoring for a reasonable time determines that he is consistently meeting the effluent limits contained herein, the Permittee may request of the Director that the monitoring requirements be reduced or eliminated. The Permittee may also request after a reasonable period the reduction or elimination of subsurface soil monitoring, surface runoff monitoring, and water quality monitoring. This request shall be submitted for review to all parties of the Public Hearing held for the proposed NPDES permit (MN 0045489) on February 27, 1975 and the determination of the Director shall be binding.

5. Monitoring Report

The Permittee shall report the results of the monitoring requirements in the units specified in this permit. A report or written statement is to be submitted even if no discharge occurred during the reporting period. The monthly report shall include (a) a description of any modifications in the waste collection, treatment and disposal facilities; (b) any changes in operational procedures; (c) any other significant activities which alter the nature or frequency of the discharge; (d) any other material factors regarding the conditions of this permit and such information as the Minnesota Pollution Control Agency or Director may reasonably require of the Permittee, pursuant to Minnesota Statutes Chapters 115 and 116 as amended and Agency Regulation WPC 36 (n).

6. Definitions

a. "Monthly Average" Discharge

1. Weight Basis - The "monthly average" discharge means the total discharge by weight during a calendar month divided by the number of days in the month that the facility was operating. Where less than daily sampling is required by this permit, the monthly average discharge shall be determined by the summation of the measured daily discharges by weight divided by the number of days during the calendar month when the measurements were made.
2. Concentration Basis - The "monthly average" concentration means the arithmetic average (weighted by flow value) of all the daily determinations of concentration made during a calendar month. Daily determinations of concentration made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted by flow value) of all the samples collected during the calendar day.

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b. "Variable Daily Maximum" Discharge

1. Weight Basis - The "variable daily maximum" discharge means the total discharge by weight during a calendar day, based on calculations utilizing the Flow Factor, B.
2. Concentration Basis - The "variable daily maximum" concentration means maximum daily concentration, based on calculations utilizing the Flow Factor, B.

c. "Daily Maximum" Discharge

1. Weight Basis - The "daily maximum" discharge means the total discharge by weight during any calendar day.
 2. Concentration Basis - The "daily maximum concentration means the daily determination of concentration for any calendar day.
- d. The "Agency" means the Minnesota Pollution Control Agency, as constituted pursuant to Minnesota Statutes, Section 116.02, Subd. 1.
 - e. The "Director" means the Executive Director of the Minnesota Pollution Control Agency as described in Minnesota Statutes, Section 116.03 as amended.
 - f. The "Regional Administrator" means the EPA Regional Administrator for the region in which Minnesota is located (now Region V).
 - g. The "Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1251, et seq.
 - h. A "Composite" sample, for monitoring requirements, shall be defined as no less than a series of grab samples collected at equally spaced hourly intervals and proportioned according to flow.
 - i. Pollutants, Toxic Pollutants, Other Wastes, Point Source, Disposal System, Waters of the State and other terms for the purpose of this permit are defined in Section 502 of the Act and Minnesota Statutes Section 115. 01 as amended and Agency Regulation WPC 36 (b).

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7. Test Procedures

Test procedures for the analysis of pollutants shall conform to regulations promulgated pursuant to Section 304(g) of the Act, and Minnesota Statutes, Section 115.03, Subd. 1(e)(7), as amended.

The Permittee shall periodically calibrate and perform maintenance on all monitoring and analytical instrumentation used to monitor pollutants discharged under authorization by this permit, at intervals to insure accuracy of measurements. The Permittee shall maintain written records of all such calibrations and maintenance.

8. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the Permittee shall record the following information:

- a. The exact place, date, and time of sampling;
- b. The dates the analyses were performed;
- c. The person who performed the analyses;
- d. The analytical techniques, procedures or methods used; and
- e. The results of such analyses.

9. Additional Monitoring by Permittee

If the Permittee monitors any pollutant at the location(s) designated herein more frequently than required by the Minnesota Pollution Control Agency or Director, the results of such monitoring shall be included in the calculation and reporting of values submitted on the designated Discharge Monitoring Report Form. Any increased monitoring frequency shall also be indicated on such designated form.

10. Recording and Records Retention

All sampling and analytical records required by the conditions of this permit shall be retained by the Permittee for a minimum of three (3) years. The Permittee shall also retain all original recordings from any continuous monitoring instrumentation, and any calibration and maintenance records, for a minimum of three (3) years. These retention periods shall be extended during the course of any legal or administrative proceedings or when so requested by the Regional Administrator, the Minnesota Pollution Control Agency or the Director.

4600510

PART II

A. MANAGEMENT REQUIREMENTS

1. Change in Discharge

All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of the permit. Any anticipated facility expansions, production increases, or process modifications which will result in new, different, or increased discharges of pollutants shall be reported by submission of a new NPDES application or, if such changes will not violate the effluent limitations specified in this permit, by notice of such changes to the Director. Following such notice, the permit may be modified to specify and limit any pollutants not previously limited.

2. Noncompliance Notification

If, for any reason, the Permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit, the Permittee shall immediately notify the Compliance and Enforcement Section by telephone (612)296-7236 and confirm in writing, within five (5) days of becoming aware of such condition. The written notification shall contain the following information:

- a. A description of the discharge and cause of noncompliance; and
- b. The period of noncompliance, including exact dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue; and steps being taken to correct, reduce, eliminate and prevent recurrence of the noncomplying discharge.

3. Unauthorized Discharges

The Permittee shall immediately notify the Compliance and Enforcement Section of any unauthorized discharge, accidental or otherwise, of oil, toxic pollutants or any other substance or material under its control which, if not recovered, may cause pollution of the waters of the state, and shall recover as rapidly and as thoroughly as possible such oil, toxic pollutant, or other substance or material and take immediately such other action as may be reasonably be required to minimize or abate pollution of waters of the state caused thereby.

4. Facilities Operation and Quality Control

All waste collection, control, treatment, and disposal facilities shall be operated in a manner consistent with the following:

- a. The Permittee shall at all times maintain in good working order and operate as efficiently as possible any facilities or systems of control installed to achieve compliance with the terms and conditions of the permit.

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- b. The Permittee shall provide an adequate operating staff which is duly qualified under Minnesota Regulations WNOB 1 if applicable (as determined by the Director pursuant to Agency Regulation WPC 36(1)(6)(ee)) to carry out the operation, maintenance and testing functions required to insure compliance with the conditions of this permit.
- c. Maintenance of the treatment facility that results in degradation of effluent quality shall be scheduled during noncritical water quality periods and shall be carried out in a manner approved by the Director.
- d. The Director may require the Permittee to submit a maintenance plan to eliminate degradation of the effluent. The Permittee shall operate the disposal system in accordance with this plan as approved by the Director.

5. Adverse Impact

The Permittee shall take all reasonable steps to minimize any adverse impact to navigable waters resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. The results of such monitoring shall be submitted to the Director as required under this provision.

6. Bypassing

Any diversion from or bypass of facilities necessary to maintain compliance with the terms and conditions of this permit is prohibited, except (i) where unavoidable to prevent loss of life or severe property damage, or (ii) where excessive storm drainage or runoff would damage any facilities necessary for compliance with the effluent limitations and prohibitions of this permit. The Permittee shall promptly notify the Director, Attn: Compliance and Enforcement Section, in writing, of each such diversion or bypass.

Notification of any bypass which causes noncompliance with the daily effluent limitations shall be done in accordance with Part II, (a)(2), Noncompliance Notification.

7. Removed Substances

The Permittee shall dispose of solids, sludges, filter backwash, or other pollutants removed from or resulting from treatment or control of wastewaters in such manner as to prevent any pollutant from such materials from entering waters of the state. The Permittee in disposal of such material shall comply with all applicable water, air and solid waste Statutes and Regulations. When requested the Permittee shall submit a plan for such disposal for approval by the Director.

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8. Power Failures

In order to maintain compliance with the effluent limitations and prohibitions of this permit, the Permittee shall either:

- a. In accordance with the Schedule of Compliance contained in Part I, provide an alternative power source sufficient to operate the wastewater control facilities; or
- b. Halt, reduce or otherwise control production and/or all discharges upon the reduction, loss, or failure of one or more of the primary sources of power to the wastewater control facilities.

9. Construction

This permit does not authorize the construction of any treatment works associated with this discharge, unless plans and specifications for such facilities have been approved in writing by the Director prior to the start of any construction.

4600513

B. RESPONSIBILITIES

1. Right of Entry

The Permittee shall pursuant to Section 308 of the Act and Minnesota Statutes 116.091, allow the Director of the Minnesota Pollution Control Agency, the Regional Administrator, and their authorized representatives:

- a. To enter upon the Permittee's premises where a disposal system or other point source or portion thereof is located for the purpose of obtaining information, or examination of records or conducting surveys or investigations; and
- b. To bring such equipment upon the Permittee's premises as is necessary to conduct such surveys and investigations; and
- c. To examine and copy any books, paper, records or memoranda pertaining to the installation, maintenance, or operation or discharge, including but not limited to, monitoring data of the disposal system or point source or records required to be kept under the terms and conditions of this permit; and
- d. To inspect any monitoring equipment or monitoring procedures required in this permit; and
- e. To sample any discharge of pollutants.

2. Transfer of Ownership of Control

In the event of any changes in control or ownership of facilities from which the authorized discharges emanate, the Permittee shall notify the succeeding owner or controller of the existence of this permit by letter, prior to the effective date of the transfer. A copy of this letter shall be forwarded to the Regional Administrator and the Director. Any succeeding owner or controller shall also comply with the terms and conditions of this permit.

3. Availability of Reports

Except for data determined to be confidential under Section 308 of the Act, and Minnesota Statutes, Section 116.075, Subd.2, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Minnesota Pollution Control Agency and the Regional Administrator. Procedures for submitting such confidential material shall be pursuant to Minnesota Regulation WPC 36(j)(2). As required by the Act, effluent data shall not be considered confidential. The Permittee shall immediately upon discovery report, in writing to the Director any errors or omissions of such record, reports, plans or other documents prepared in accordance with the terms and conditions of this permit. Knowingly making any false statement on any such report, confidential or otherwise, may result in the imposition of criminal penalties as provided for in Section 309 of the Act and Minnesota Statutes, Section 115.071 Subd.2(a).

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4. Permit Modification

After notice and opportunity for a hearing, this permit may be modified, suspended or revoked in whole or in part during its term for cause including, but not limited to, the following:

- a. Violation of any terms or conditions of this permit;
- b. Obtaining this permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; or
- d. Agency Regulation WPC 36(s)(1)

5. Toxic Pollutants

Notwithstanding Part II, B, 4, above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Act and Minnesota Statutes, Chapters 115 and 116 as amended, for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition and in accordance with applicable laws and regulation.

6. Civil and Criminal Liability

Nothing in this permit shall be construed to relieve the Permittee from civil or criminal penalties for noncompliance with the terms and conditions except as otherwise provided in Part I, A, 6. Bypassing and Part I, A, 8. Power Failures.

7. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Act and Minnesota Statutes, Chapters 115 and 116 as amended.

8. Federal, State and Local Laws

Nothing in this permit shall be construed to preclude the institution of any legal or administrative proceedings or relieve the Permittee from any responsibilities, liabilities, or penalties for violation of effluent and water quality limitations not included in this permit.

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9. Property Rights

The issuance of this permit does not convey any property rights, in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any violation of Federal, State or local laws or regulations.

10. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

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